

## **EAST PALESTINE VILLAGE COUNCIL- MONDAY OCTOBER 22, 2012-7PM -COMMUNITY CENTER**

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley Mr. Tyger, and Mrs. Wissner. The minutes of the October 8, 2012 Development Committee meeting and the regular meeting were approved on a motion by Mr. Figley, seconded by Mrs. Wissner. There were no agenda items.

**CLERK:** The clerk noted that in their packets, Council received information regarding the need to change the meeting date for the last meeting in December, as it is Christmas Eve. Mr. Elzer asked why the meeting couldn't be held on the 17<sup>th</sup>, and the Finance Director stated that she would not have the final payroll figures for the year. She stated that it would be difficult to estimate because of it being December with the holiday, and the possibility of overtime for plowing. Mr. Figley asked what Thompson preferred and she said either Wed 26<sup>th</sup> or Thur 27<sup>th</sup>. After a brief discussion it was decided that the Christmas Eve meeting would be rescheduled for Thursday December 27 @ 7pm. .

**MAYOR:** Mayor Zuch stated she received a letter from the Ohio Secretary of State and she gave Council a copy. There is a website available for information about what's on the ballot. The website is [www. Ohiosecretaryofstate.gov](http://www.Ohiosecretaryofstate.gov). She stated she has received calls from citizens who are concerned about the literature they are receiving for the gas and electric aggregation programs. She said her advice is to basically read everything very carefully. Mr. Figley asked if the Village hires a consultant to get these prices. Manager Monteleone stated yes. The Finance Director stated its thru AMP Ohio. Thompson stated there is a lot of paperwork and deadlines to file for the aggregation programs, and there is no charge for this service. Monteleone said they met with him two weeks ago and gave him permission to shop around for prices. Mr. Figley asked if he did gas and electric and Monteleone said yes. Thompson stated she believed the rate he got the Village was around \$ 4.19, but there could be cheaper rates out there. Mayor Zuch said part of the problem is they give you a good price to begin with but it only lasts a few months and then goes into a variable rate. Monteleone stated that they will re-negotiate new prices every six months. Mr. Tyger stated you can go to PUCO APPLES TO APPLES website to compare prices. To opt out of the aggregation program you have to send in the paper by the end of this month. There is no termination fee to opt out at a later date. Mayor Zuch stated that everyone received a copy of a Morning Journal article in reference to the landfill in Negley. Mr. Elzer stated he believed the landfill was only for construction waste, but asked if that could change. Mr. Herbert stated that there is talk about bringing regular garbage in. He said the smell is terrible and it will come to East Palestine. Mr. Elzer asked if his concern was more about it becoming a garbage dump and Mr. Herbert stated he was concerned with the whole thing. Mayor Zuch asked if what he wanted was a resolution of support from Council and he said yes. Mr. Elzer said he has a business in Negley and he doesn't see the same resistance in Negley as he does in East Palestine and it is affecting them more. Mr. Elzer asked if there were resolutions from Middleton Township and others who are directly affected by this. Mr. Herbert stated that Middleton Township, and the EPA will make money from this dump. Mr. Figley asked if East Palestine would get money. Mr. Figley said the only way to stop it is to hit them with the tipping fees and said he doesn't think there will ever be a garbage dump there. Mr. Cohen asked aside from a resolution, if Mr. Herbert had any suggestions what they could do because East Palestine has no jurisdiction. He said he agrees with Mr. Herbert, but "we could pass resolutions until we are blue in the face". Mr. Herbert said the more support they have that it puts more pressure on them. Mr. Figley asked Mr. Herbert to talk about the EPA. Mr. Herbert stated they tested the streams and found no living organisms but he and a friend tested them and found the complete opposite. Mayor Zuch asked for Councils opinion and Mr. Elzer said he doesn't know that there is anything they can do and Mr. Cohen said we have no jurisdiction. Atty Beagle asked if Middleton Township had a resolution and Mr. Herbert said not that he knew of. She said she doesn't mind supporting it, but we need to know whom we are supporting. Mr. Herbert said he grew up here and he knows what it was like with all of the pollution with the coalmines and potteries and all of the streams were polluted and we don't need to go back to that. Atty Smith stated that to support Middleton Township is one thing, but they themselves haven't done anything yet. Mayor Zuch stated that we could say that when Middleton resolves to do something, we will.

**MANAGER:** Village Manager Pete Monteleone stated we received the bridge rating from EL Robinson. The bridges were the reservoir drive over Leslie Run, Kemple Dr., and the bridge at the park entrance. All three came out good with no load rating needed. Monteleone stated that the Fire Department is working on repairing the parking lot at Clark St. He said the water department cut out the old drains and they are going to black top and seal it and it will look great. Chief Todd told him that he, John Jurjavcic and Dawn Carsey of the department went to a recruitment and retention seminar, and in the last few weeks have done a lot with the kids and fire prevention for the community. He said the police department has been very successful in the last two weeks. Toney the K-9 is doing great, two separate drug interdictions in the last week. Atty Beagle asked Monteleone to explain again how we were saving money on the Moore Lane project. He said Moore Lane is very narrow and half of it was dug out for the project. Originally they were going to fill it in and then use concrete and asphalt, after speaking with the engineers the decided to replace the concrete with asphalt and with that savings they were able to pave the whole road instead of just a small portion. Making that same replacement on James and Grant St., the savings was around \$9000. Atty Beagle asked how far back will Moore Lane be paved and Monteleone said it will only go to Lyons Ave, but they are working with the pavers to get a good price to go all the way to the water tower while they are there.

**LAW DIRECTOR: NO REPORT**

**STREET: NO REPORT**

**SAFETY/PARK/RECREATION/CEMETERY:** Mr. Cohen stated he attended the Park Board meeting last week and they distributed signs for the levy around town and they also began passing out fliers. He reminded everyone of the importance of the levy passing. They discussed selling season passes for the pool during the winter months for stocking stuffers and additional income during the winter months. Atty. Beagle stated the police department has been very busy, and the Chief has everything going like clockwork, she said he gives a lot of credit to the Manager and she said that the Chief is doing a great job and that its not just the Manager. She said the Fire Department has been very busy, one night they were at a fire at 7:30 pm and were called back out at 1:30 in the morning and we should be very proud of the Fire Department. Mrs. Wissner said she wanted to discuss the water line for EPYSA, and concessions. Mr. Cohen said he felt the best thing to do would be to call a committee meeting. Mr. Figley asked if anyone knew where the water line is going. Jurjavcic stated that two of his guys measured it out. Mr. Figley wants to know where it is going. Jurjavcic said there is no drawing, but he will make one.

**DEVELOPMENT:** Mr. Elzer thanked everyone for making development easier. The Journal writes good articles and our public safety make us look great.

**UTILITY:** Mrs. Wisser stated that the legislation for the Wheathill project is going to have to be passed as emergency tonight. She stated she spoke with the Manager about this, but she asked what the definition of a Council meeting is. Is it where things are discussed, or are they to discuss it before the meetings. She said that is why a lot of people are not on the same page. For example, the issue with the water line for EPYSA was discussed a year ago, and no one knows what is going on and that this is where it should be discussed. Mr. Figley asked who says yes or no to the water line. Mr. Figley said before a decision can be made there has to be a drawing. Mrs. Wisser stated that when something is brought up to Council, it should be discussed at the meeting because that is the only time all six of them can be together. She said it seems like things always get put off until the next meeting. Mr. Elzer said he feels there is a disconnect between the Park Board and Council, for example EPYSA purchased the materials before it was brought to Council, the same group also spent \$35,000 putting in new ball fields, so this is something we should do for them. At this point John Jurjavcic explained what had happened. He said when Glen Wilson was still here, someone went to him about putting the water line in and he said yes and that was as far as it went. The parts were purchased by EPYSA in April of this year, he said they came to him, he said yes. That they will get to it when they can, but that he was not letting his day to day responsibilities go to put in a water line to keep the dust off of the fields. He said if Council wants him to let meter reading, and water line repairs go to do it, then he will. With everything that has been going on they have been too busy. Its 1200 feet of water line, and its solid rock and it wont be done in a day or two. He said he could have did it last winter but he was down to one guy all winter. Mr. Figley said that if the water department can't do it, they should say so. Jurjavcic said he has been saying that. Mr. Figley said if it is going through rock, that they couldn't do it if they had time. He said he doesn't know if it is in rock that's why he wants a drawing. Jurjavcic said the water goes to the top of the hill by the restroom. Mr. Figley asked if it is going from the restroom, to the top of the hill and then back to the old little league field. Jurjavcic said yes. Mr. Elzer stated that Jurjavcic said he would make a sketch. Mr. Cohen said if this is an EPYSA idea and project, then do we really need to spend city time on it. Mr. Cohen said we could just give them permission and let them do it. Mrs. Wisser reminded everyone that they have spent thousands of dollars at our park and she thinks we should give something back. Mr. Figley said if it's in the rock, the water department can't do it, but you could put it on the outside. It would have to be drained and blown out every fall so it didn't freeze. Jurjavcic said they shouldn't do it in the spring and summer because it would be a safety issue with kids being there. Jurjavcic said he feels that he has the impression that people feel he is trying to dodge the project and Mrs. Wisser said that's not it at all, that it just needs discussed and a plan made. Mayor Zuch stated that they will get a drawing from Jurjavcic and make a plan for the water line. Mrs. Wisser said the last thing she wanted to bring up was that they have chickens running around in their neighborhood and wanted to know if there are ordinances against it. Mr. Cohen said there is not. She said there was a fire in her neighborhood the other night and the firemen couldn't get thru because there were ducks in the middle of the road.

**FINANCE: NO REPORT**

**VISITORS COMMENTS ON CURRENT LEGISLATION:** Dianna Elzer asked if it would be possible to have a copy of the agenda with the sign in sheet at the meetings so visitors would know what legislation is on the agenda for each meeting. The clerk said yes, that would not be a problem.

**VISITORS:** Mary Ann Tyger, John & Dot Herbert, Chuck McGuire, Jerry Coblenz, Charlie Hutchens, John & Bonnie Davis, Dan Scott, Tami & Bob Harris, Emery Coon, Chief Kevin Dickey, Larry & Terri Ward, Dianna Elzer, Rich Bolon, Park Grim, Shirley Wilson, Brent Wilson, John Jurjavcic, Traci Thompson, Katie Schwendemen, Dante Fiorino, Pam Figley.

**LEGISLATION:** Atty Beagle introduced **Ord. 23-2012 for a 3<sup>rd</sup> reading** and made a motion that it be read by title only. **An ordinance providing for the authorization of the Village Manager to solicit bids and further sell personal property, identified as 1983 truck, vin# 1gbhk34w2dv109201, deemed not needed for municipal use with the approval of the board, officer and/or director having supervision thereof and/or municipal council, and in accord with methods of sale authorized by ohio revised code 721.15,et seq., and declaring an emergency.** Atty Beagle made a motion to suspend the rules and declare an emergency. All in favor. Mr. Cohen asked why this was an emergency if it is a 3<sup>rd</sup> reading. Mr. Elzer said it was read 3 times, but if its passed as an emergency the Manager can sell the truck tomorrow, if its not he has to wait 30 days. Atty Beagle called for a vote on **Ord. 23-2012.** Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, and Mrs. Wisser-y. 6 yes to pass. Atty Beagle introduced **Ord. 24-2012** and made a motion that it be read by title only. **An ordinance providing for the authorization of the municipal manager to enter into and accept a contract with Gateway Tank as to certain construction/improvement work as to the wheathill reservoir project, and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency. Mr. Figley stated he wanted to make the public aware of why this is an emergency. Atty. Smith said it is an emergency because there is a 20% forgiveness on the loan so there is a deadline, and it is for the health and safety of the community because it effects our water source. Mr. Cohen asked what the deadline was, and Dante Fiorino from MS Consultants said it is November 1. All in favor. Atty. Beagle called for a vote on **Ord. 24-2012.** Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y and Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced **Res. 21-2012** and made a motion that it be read by title only. All in favor. **A resolution confirming the municipal managers appointment of Kevin dickey as chief of police for the Village of East Palestine, Ohio, and establishing the compensation of said chief.** Atty. Beagle called for a vote on **Res. 21-2012.** Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, and Mrs. Wisser-y. 6 yes to pass. Motion carried. Mr. Elzer made a motion to adjourn, seconded by Mr. Cohen. Meeting adjourned.

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MAYOR MARGO ZUCH

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MISTI J. MARTIN CLERK